



Criminal Justice and Court Services Act 2000

2000 CHAPTER 43

PART IV

GENERAL AND SUPPLEMENTARY

CHAPTER II

SUPPLEMENTARY

76 Subordinate legislation.

- (1) This section applies to any power conferred by this Act on ^{F1}... the Secretary of State to make regulations, rules or an order.
- (2) The power, unless it is a power to make an order under section 19, 20 or 23, shall be exercisable by statutory instrument.
- (3) The power may be exercised so as to make different provision for different purposes or different areas.
- (4) The power includes power to make—
 - (a) any supplementary, incidental or consequential provision, and
 - (b) any transitory, transitional or saving provision,which the Minister exercising the power considers necessary or expedient.
- (5) An order—
 - (a) making any provision by virtue of section 10, 26(2), 36(15), 57(5) or 70(2), or
 - (b) making any provision by virtue of section 77(2) which adds to, replaces or omits any part of the text of an Act,may only be made if a draft of the statutory instrument containing the order has been laid before and approved by resolution of each House of Parliament.

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- (6) Any other statutory instrument made in exercise of a power to which this section applies shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Subsection (6) does not apply to a statutory instrument containing an order—
- (a) revoking an order made by virtue of section 10, or
 - (b) made by virtue only of section 80.

Textual Amendments

- F1** Words in s. 76(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)

77 Supplementary and consequential provision, etc.

- (1) ^{F2}... the Secretary of State may by order make—
- (a) any supplementary, incidental or consequential provision,
 - (b) any transitory, transitional or saving provision,
- which he considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) The provision which may be made under subsection (1) includes provision amending or repealing any enactment, instrument or document.
- [^{F3}(3) The provision which may be made under subsection (1) in relation to section 61 of this Act (abolition of sentence of detention in young offender institution etc) also includes provision amending or repealing—
- (a) any provision of the Counter-Terrorism and Sentencing Act 2021,
 - (b) any provision of an enactment that was inserted or amended by, or by regulations made under, the Counter-Terrorism and Sentencing Act 2021.]

Textual Amendments

- F2** Words in s. 77(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 30\(b\)](#)
- F3** [S. 77\(3\)](#) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\), ss. 48\(7\)\(a\), 50\(1\)\(h\)](#)

78 General interpretation.

- (1) In this Act—
- ^{F4} ...
- “enactment” includes an enactment contained in subordinate legislation,
- “functions” includes powers and duties,
- ^{F5} ...
- “subordinate legislation” has the same meaning as in the ^{M1}Interpretation Act 1978.

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(2) In this Act, “enactment” means an enactment whenever passed or made; but in this Part [F6 other than section 77(3)] it means—

- (a) an Act passed before, or in the same Session as, this Act, and
- (b) subordinate legislation made before the passing of this Act.

Textual Amendments

- F4** Words in s. 78(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F5** Words in s. 78 repealed (1.4.2010) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 1](#); [S.I. 2010/191](#), [art. 2\(13\)\(h\)](#)
- F6** Words in s. 78(2) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), [ss. 48\(7\)\(b\)](#), [50\(1\)\(h\)](#)

Marginal Citations

- M1** [1978 c. 30](#).

79 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act,
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

80 Commencement.

- (1) This Act shall come into force on such day as the Lord Chancellor or the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes and different areas.
- (3) Subsection (1) does not apply to—
 - (a) sections 19 to 22,
 - (b) section 60,
 - (c) this Chapter,
 - (d) in Schedule 7, paragraphs 15(1)(e) and (2), 18(3)(c)(i) and (4), 22(1)(e) and (2), 25(3)(c)(i) and (4), 29(1)(e) and (2), 32(3)(c)(i) and (4), 135 to 138, 142, 144 to 148 and 203(3) and (4),
 - (e) the repeals mentioned in the note to Schedule 8.

Subordinate Legislation Made

- P1** S. 80 power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/340](#), [art. 2](#)
 S. 80 power partly exercised: 1.3.2001 appointed for specified provision by [S.I. 2001/562](#), [art. 2](#)
 S. 80 power partly exercised: 1.4.2001 appointed for specified provisions by [S.I. 2001/919](#), [art. 2](#)
 S. 80 partly exercised: 2.9.2002 appointed for specified provisions by [S.I. 2002/1862](#), [art. 2](#)

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- S. 80 power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1651](#), [art. 2](#)
- S. 80 power partly exercised: 31.5.2001 appointed for specified provisions by [S.S.I. 2001/166](#), [art. 3](#)
- S. 80 power partly exercised: different dates appointed for specified provisions by [S.I. 2001/2232](#), [art. 2](#)
- S. 80 power partly exercised: 29.10.2001 appointed for specified provisions by [S.I. 2001/3385](#), [art. 2](#)
- S. 80 power partly exercised: 20.5.2002 appointed for specified provisions by [S.I.2002/1149](#), [art. 2](#)

81 Extent.

- (1) Subject to the following provisions, this Act extends to England and Wales only.
- (2) Subsection (1) does not apply to—
- sections 26 to 33, so far as they relate to the making of orders by, or orders made by, [^{F7}the Court Martial or the Court Martial Appeal Court],
 - section 60, and paragraphs 135 to 138, 142 and 144 to 148 of Schedule 7, so far as they relate to sentences passed by a court-martial,
 - section 61 so far as it relates to sentences passed by a court-martial or a Standing Civilian Court,
 - section 66 and Schedule 5,
 - section 71,
 - this Chapter,
 - paragraphs 17 and 19 of Schedule 2,
 - ^{F8}.....
 - paragraph 159 of Schedule 7.
- (3) Sections 35, 36 and 41 extend to England and Wales and Northern Ireland.
- (4) Section 40 extends to Northern Ireland only.
- (5) The amendment or repeal by Schedule 7 or 8 of an enactment extending to Scotland or Northern Ireland extends also to Scotland or, as the case may be, Northern Ireland.
- (6) For the purposes of the ^{M2}Scotland Act 1998, any provision of section 66 and Schedule 5 and, so far as relating to those provisions and extending to Scotland, any provision of this Chapter is to be taken to be a pre-commencement enactment within the meaning of that Act.

Textual Amendments

- F7** Words in s. 81(2)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 186\(a\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F8** S. 81(2)(h) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 186\(b\)](#), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Marginal Citations

- M2** [1998 c. 46](#).

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82 Short title.

This Act may be cited as the Criminal Justice and Court Services Act 2000.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision 2003 c. 44 s. 266(5) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)